

## **AMUSEMENTS AND ARCADES**

### **CHAPTER 60**

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**[HISTORY: Adopted by the City Council of the City of Dover: Art. I, 6-10-81 as Ord. No. 10-81; Art. II, 3-10-82 as Ord. No. 5-82. Amendments noted where applicable.]**

General References

**Licensing Board - See Ch. 35**

### **ARTICLE I BOXING**

**[Adopted 6-10-81 as Ord. No. 10-81]**

#### **60-1. Bouts permitted.**

The holding of boxing bouts, as provided in the Revised Statutes Annotated, Chapter 285, are hereby authorized and permitted, said bouts to be conducted in accordance with the rules and regulations of the State Athletic Commission and the provisions of said chapter.

### **ARTICLE II MECHANICAL DEVICES AND ARCADES**

**[Adopted 3-10-82 as Ord. No. 5-82]**

#### **60-2. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**ARCADE** - A building or place containing eight (8) or more mechanical devices.  
**[Amended 10-11-90 by Ord. No. 10-90, Amended 12-18-98 by Ord. No. 21-98]**

**MECHANICAL DEVICE** - Any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, but shall not include jukeboxes and coin-activated children's amusement rides also known as "kiddie rides." It shall include such devices as marble machines, electronic games and all games, operations and transactions similar thereto under whatever name they may be indicated.

**PERSON, FIRM, CORPORATION or ASSOCIATION** - Includes the following: any person, firm corporation or association in whose place of business such machine is placed for use by the public, and the person, firm, corporation or association having control over such machine.

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**60-3. Gambling devices.**

Nothing in this Article shall in any way be construed to authorize or license or permit any gambling devices whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law.

**60-4. License required.**

No person, firm, corporation or association may allow to be operated any mechanical device or arcade as herein defined by 60-2 without first obtaining a license from the Licensing Board by application through the City Clerk as hereinafter provided.

**60-5. Application.**

The application for a license for a mechanical device shall contain the following information:

- A. Name and address of the applicant, age and date and place of birth.
- B. Prior convictions of applicant, if any.
- C. Place where the machine or device is to be displayed or operated and the business conducted at the place.
- D. Description of the machine to be covered by the license and mechanical features, name of manufacturer and serial number. No license shall be issued to any applicant unless he shall be eighteen (18) years of age.

**60-6. Arcade license.**

In addition to the information required by 60-5, any application for an arcade license shall contain a management plan containing at least the following:

- A. The number of qualified employees to be present at all times.
- B. A plan to control loitering and bicycle and/or automobile parking in the vicinity of the arcade.

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- C. A detailed description of proposed operations to show proper control of noise, overcrowding and other conditions which may affect the public health, safety or welfare.

**60-7. Location of arcades.**

- A. No license shall be issued for an arcade which is located within one thousand (1,000) feet of a public or private school.
- B. No license shall be issued for an arcade which is located within two thousand (2,000) feet of another arcade.

**60-8. Alcoholic beverages.** [Amended 5-12-82 by Ord. No. 7-82]

No arcade shall serve alcoholic beverages on the premises.

**60-9. Inspections.**

Application for license shall be made out in duplicate, one (1) copy being referred to the Chief of Police and one (1) copy to the Fire Chief.

- A. The Chief of Police and Fire Chief shall inspect the location wherein it is proposed to operate such machine; the Police Chief will ascertain if the applicant is a suitable person to be issued said license and report thereon to the Licensing Board through the City Clerk.
- B. No license shall be issued by the Licensing Board to any applicant until after the Chief of Police and Fire Chief have completed their inspections.

**60-10. Fees; expiration of license.** [Amended 10-11-90 by Ord. No. 10-90, Amended 12-18-98 by Ord. No. 21-98]

- A. Every applicant before being granted a license shall pay a fee of \$30 per device per year for the privilege of operation or maintaining for operation a mechanical amusement device as defined in 60-2 of this Article.
  - (1) Arcade license fees: In addition to the device fees provided for in section 60-10. A, if the applicant's place of business qualifies as an "arcade" under section 60-2 of this Article said applicant shall pay an arcade license fee of one hundred dollars (\$100.) which fee shall be non-refundable.
  - (2) All fees are non-refundable.

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- B. Each license shall expire at 12:00 midnight on December 31 of the year in which the license is granted.

**60-11. Machine license transfer fee.**

Before any application for the transfer of any license under 60-13B of this Article may be granted, the applicant shall pay a machine license transfer fee of ten dollars (\$10.).

**60-12. Arcade license transfer fee.**

Before any application for the transfer of an arcade license under 60-13D shall be granted, the applicant shall pay an arcade transfer fee of one hundred dollars (\$100.), which fee shall be nonrefundable.

**60-13. Display of license.**

- A. The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.
- B. Such license may be transferred from one machine to another machine in the same place of business upon application to the Licensing Board through the City Clerk to such effect, giving the description and the serial number of the new machine, and upon payment of the machine license transfer fee. If application under this section is not made within forty-eight (48) hours, excluding weekends and holidays, then reapplication for a new license for the new machine must be made in the manner prescribed above. Not more than one (1) machine shall be operated under one (1) license, and the applicant shall be required to secure a license for each and every machine operated by him.

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C. If the licensee shall move his place of business to another location within the City of Dover, the license may be transferred to such new location upon application to the Licensing Board through the City Clerk, giving the street and number of the new location. The new location shall be inspected by the Chief of Police in the same manner as provided in 60-9.

D. If the holder of an arcade license shall transfer ownership of the arcade, the arcade license may be transferred to such new owner upon application to the Licensing Board through the City Clerk, giving the name and address of the new owner, and upon payment of the arcade license transfer fee. No such application shall be granted until the Chief of Police has ascertained that such new owner is a suitable person to be issued said license in the same manner as provided in 60-9 of this Article.

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### **60-14. Revocation.**

Every license issued under this Article is subject to the right, which is hereby expressly reserved, to revoke the same should the license, directly or indirectly, permit the operation of any mechanical amusement device contrary to the provisions of this ordinance, the ordinance of the City of Dover, or the law of the State of New Hampshire. Said license may be revoked by the Licensing Board upon complaint by the Chief of Police or any person after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if, after hearing, the licensee is found to be guilty of such violation.

### **60-15. Seizure and destruction of machines.**

If the Chief of Police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded, and if upon trial of the exhibitor if found guilty such machine shall be disposed of as directed by the Licensing Board or court.

### **60-16. Violations and penalties.**

Any person, firm or corporation violating any provisions of this Article, in addition to the revocation of his or its license, shall be guilty of a violation and be subject to a fine of up to one hundred (\$100.) per day. [Amended 12-18-98 by Ord. No. 21-98]

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